

Peru

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President Ollanta Humala dealt with significant political turbulence in 2014. Cabinet changes, corruption scandals, and a declining economy all contributed to a public perception of disorganized leadership. Political debate centered on ceding maritime territory to Chile and the possible 2016 presidential candidacy of First Lady Nadine Heredia (a rumor she has denied). The health and continued imprisonment of former president Alberto Fujimori have also served as fodder for debate.

In addition, controversy centered on Interior Minister Daniel Urresti, a former army intelligence officer who was appointed in June 2014 despite an ongoing judicial process against him. At the end of the year, the judiciary was debating whether to charge Urresti for his alleged involvement in the 1988 murder of a journalist.

Peru continued to face high levels of social conflict in 2014. Clashes have been sparked by specific concerns such as indigenous rights and environmental exploitation related to extractive industries, as well as broader issues such as class, inequality, and social marginalization; conflict is fueled by complex local politics. The most notorious incident of the year occurred in September, when four leaders of the Asháninka tribe were murdered after lodging complaints about illegal logging on their land. Two loggers were arrested for the crimes.

Political Rights and Civil Liberties:

Political Rights: 30 / 40 [Key]

A. Electoral Process: 10 / 12

The president and the 130-member, unicameral Congress are elected for five-year terms. Congressional balloting employs an open-list, region-based system of proportional representation, with a 5-percent vote hurdle for a party to enter the legislature.

Although the 2011 elections were sharply polarized, they were deemed generally free and fair by international observers. However, shortcomings included lack of enforcement of campaign finance norms and pressure on media outlets by powerful economic interests in support of losing presidential candidate Keiko Fujimori, daughter of the former president. With various candidates dividing the center, the leftist Humala and right-wing Fujimori entered a runoff in June, which Humala won 51.5 percent to 48.5 percent.

In the concurrent legislative elections, an alliance led by Humala's Peruvian Nationalist Party (PNP) captured 47 of the 130 seats, followed by Fujimori's Force 2011 grouping with 38 seats, and former president Alejandro Toledo's Perú Posible with 21 seats. Two smaller parties, the Alliance for Major Change and the National Solidarity Alliance, secured 12 and 8 seats, respectively; former president Alan García's Peruvian Aprista Party (APRA) captured

4 seats. Since the elections, a series of resignations from the PNP has reduced its congressional representation to only 33 seats.

Local and regional elections in October 2014 followed the pattern of previous cycles, with the vast majority of elected officials representing regional movements rather than Peru's fragmented national parties. At least four candidates under suspicion of involvement in money laundering or drug trafficking schemes were elected as regional presidents. Anger over the results of local elections led to unruly protests throughout the nation and three deaths.

Speculation about the political aspirations of First Lady Heredia was rife in 2014. Heredia has denied any intention of succeeding her husband, a move that would be unconstitutional under current Peruvian law.

B. Political Pluralism and Participation: 13 / 16

Peruvian parties, while competitive, are both highly fragmented and extremely personalized. Regional presidents have become important political actors over the last decade, though they have often been accused of corruption and other misdeeds. Despite political decentralization, the concerns of ethnic and cultural minorities, especially in remote mountain or jungle zones, remain inadequately addressed among parties with national scope, which contributes to regular episodes of acute social conflict in the provinces.

C. Functioning of Government: 7 / 12

Corruption is a serious problem. Checks on campaign financing are particularly weak at the local level, where the influence of drug traffickers is perceived to have grown in recent years. Corruption scandals blossomed throughout 2014 at multiple levels of government, with many centering on the regional president of Áncash, César Álvarez, who after years of accusations of corruption and violence—including the murder of a vocal opposition candidate in March—was arrested in May on charges of graft and murder. In December, the National Judicial Council suspended Prosecutor General Carlos Ramos Heredia from his post for his ties to Álvarez and businessman Rodolfo Orellana, who was arrested in Colombia in November for his role in running several corrupt enterprises. Martín Belaúnde Lossio, a former campaign adviser to Humala who maintained close ties to the first couple, was also accused of multiple acts of corruption involving government contracts; by year's end, Peruvian authorities were attempting to have him extradited from Bolivia.

In January 2014, a congressional commission on corruption released a series of reports detailing incidents that took place under the administration of former president Alan García (2006–11). The most prominent example concerns the alleged sale of presidential pardons, through which scores of convicted narcotics traffickers were released from prison. Although Congress endorsed several of the reports in June and September 2014, the process of formal investigation slowed toward year's end. A separate congressional commission

continued to investigate allegations of corrupt and fraudulent real estate transactions against former president Toledo.

Some government agencies have made progress on transparency, but much information related to defense and security policies remains classified under a 2012 law. Peru was ranked 85 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

Civil Liberties: 41 / 60

D. Freedom of Expression and Belief: 15 / 16

Peru's dynamic press is mostly privately owned. Officials and private actors sometimes intimidate or even attack journalists in response to negative coverage. The local press watchdog Institute for Press and Society registered several dozen attacks against journalists in 2014. In November, investigative reporter Fernando Raymondi was murdered in a province near Lima after beginning a story on hired assassins in the area. Low pay leaves reporters susceptible to bribery, and media outlets remain dependent on advertising by large retailers. Defamation is criminalized, and journalists are regularly convicted under such charges, though their sentences are usually suspended. Former Áncash regional president Álvarez was especially aggressive in his use of legal charges to intimidate and harass critical reporters.

In August 2013, the *El Comercio* conglomerate, which already controlled a large swath of the newspaper market, purchased the EPENSA newspaper group, creating a company with nearly 80 percent market share and sparking an intense debate over ownership concentration that continued throughout 2014. The government does not limit access to the internet; penetration in 2013 was 39 percent.

The constitution provides for freedom of religion, and the government generally respects this right in practice. However, the Roman Catholic Church receives preferential treatment from the state. The government does not restrict academic freedom.

E. Associational and Organizational Rights: 8 / 12

The constitution provides for the right to peaceful assembly, and authorities generally respect this right. However, the executive branch has issued several decrees in recent years that limit police and military responsibility in the event of injury or death during demonstrations. It has also frequently resorted to declarations of states of emergency and done little to prevent excessive use of force by security personnel confronting protests. In January 2014, Humala promulgated a 2013 law that formally exempts members of the security forces from responsibility for violence undertaken while fulfilling their duties. In February, four policemen were acquitted in the deaths of four protesters in Huancavelica in 2011.

According to the government, at least 43 Peruvians were killed by the National Police between the start of Humala's term and October 2014. Analysts have observed that the government's approach to local grievances, which often involve environmental concerns, typically eschews mediation and early intervention in favor of reactive repression by militarized police units. The trial of more than 50 community members involved in the 2009 Bagua protests, which left 10 protesters and 23 police officers dead and more than 200 people injured, began in May. Very few members of the police or military have faced charges for protest-related incidents in recent years. As of the end of 2014, the Constitutional Tribunal (TC) had not yet ruled on the constitutionality of a 2010 law broadening military jurisdiction when the security forces are involved in civilian deaths.

Freedom of association is generally respected. Antimining activists, including noted environmental leader Marco Arana, have been subject to arbitrary arrest or questionable legal charges in recent years, while several nongovernmental organizations have experienced various forms of intimidation.

Peruvian law recognizes the right of workers to organize and bargain collectively. Legally, strikers must notify the Ministry of Labor in advance, but few do so. Less than 10 percent of the formal-sector workforce is unionized. Parallel unionism and criminal infiltration of the construction sector in Lima have led to a series of disputes and murders.

F. Rule of Law: 8 / 16

The judiciary is widely distrusted and prone to corruption scandals. While the TC is relatively independent, its autonomy has been subject to both setbacks and advances in recent years. A 2008 Judicial Career Law improved the entry, promotion, and evaluation system for judges, and the judiciary's internal disciplinary body has been highly active. After the terms of six of the TC's seven members expired in late 2012, a particularly controversial and politicized set of appointments in July 2013 led to large-scale protests. The appointments were subsequently rescinded, but the process was not fully resolved until Congress confirmed new judges in May 2014.

A majority of inmates are still awaiting trial, and the prison population far exceeds the system's intended capacity. Since 2006, an adversarial justice system designed to improve the speed and fairness of judicial proceedings has slowly been implemented. Access to justice, particularly for poor Peruvians, remains problematic, and crime has risen. According to the latest Latin American Public Opinion Project (LAPOP) survey, Peru had the region's highest crime victimization rate of 28 countries in the Americas in 2014. Although the government has formulated various reform plans, implementation has remained slow. On a positive note, however, the sanctioning of corrupt police began to increase in 2014 under a revamped disciplinary system.

Since the 2003 publication of Peru's Truth and Reconciliation Commission report on the internal conflict against Shining Path guerrillas—which took 69,000 lives in the 1980s and 1990s—justice has been served in some significant cases. Above all, former president

Alberto Fujimori was convicted for overseeing death-squad killings and two kidnappings. The year 2014 was the first with more convictions than acquittals in conflict-linked rights abuse cases, and human rights advocates were also encouraged by the ongoing failure of ex-president Fujimori to gain a reversal of his conviction. However, the military continues to obstruct those investigating past violations. The García government made almost no efforts to prioritize justice for cases of human rights abuses by state actors during the 1980s and 1990s, and the Humala administration has remained similarly passive.

Remnants of the Shining Path involved in the drug trade continue to clash with security forces in the Apurímac-Ene River Valley (VRAE) and Upper Huallaga zones. Coca eradication efforts and economic development programs in other regions have failed to reverse a trend toward increased coca production. Following the capture of key Shining Path leaders in 2013, confrontations in the VRAE were rare throughout most of 2014, although several ambushes in March and October resulted in casualties of security force personnel.

Native Quechua speakers and Afro-Peruvians are subject to discrimination. President Humala has instituted some programs that have benefited marginalized Peruvians, but progress overall has been slow. LGBT (lesbian, gay, bisexual, and transgender) people face frequent discrimination and attacks. Between January 2013 and March 2014, a reported 17 members of the LGBT community were murdered. In 2014, sitting congressman Carlos Bruce revealed that he is gay.

G. Personal Autonomy and Individual Rights: 10 / 16

Peru does not place formal restrictions on movement, but the frequency of protests can disrupt travel in certain areas, occasionally for prolonged periods. Discrimination against the indigenous population remains pervasive with regard to land use and property rights. Regulations to implement the 2011 Law of Prior Consultation—which requires extractive companies to reach agreement with indigenous communities before beginning work near their lands—were issued in 2012, and the first formal process was completed in 2013. The law has yet to be tested in areas where the balance of resource extraction and environmental protection is highly contested, leading rights groups to worry that the government's need for mining revenue will continue to take precedence over the environmental concerns of indigenous peoples.

In recent years, women have advanced into leadership roles in various companies and government agencies. In July 2014, for example, congresswoman Ana Jara was appointed president of the Council of Ministers. Although legal protections have improved, domestic violence is epidemic, with more than half of Peruvian women reporting instances of physical or emotional abuse.

Forced labor, including child labor, persists in the gold-mining region of the Amazon.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology